

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

SUIT NO.498 OF 2004

Lokhandwala Construction Industries
Pvt. Ltd. ...Plaintiffs
V/s.
Doodhnath Bansi Yadav & Ors. ...Defendants
Mr.D.H. Mehta a/w. Hasan Shaikh, Advocates, i/b.
Divya Shah & Associates, for the Plaintiffs.
Mr.B.R. Patil a/w. Mr.R.Y. Gaonkar, Advocates, for
Defendant Nos.1, 2 & 9.

CORAM : S.J. VAZIFDAR, J.

DATE : 29TH AUGUST, 2007.

P.C. :

1. Leave to amend as per the draft of proposed amendment tendered in the Court and marked "X" for identification. Amendment to be carried out forthwith.
2. The Suit against Defendant Nos.3 to 8 is dropped.
3. The Suit between the Plaintiff and Defendant Nos.1, 2 & 9 is disposed of in terms of the consent terms between the Plaintiffs and Defendant Nos.1, 2 & 9 signed by the parties and their advocates taken on record and marked "X-1" for identification. The learned Counsel appearing on behalf of Defendant Nos.1, 2 & 9 states that the consent terms have been read over and explained to Defendant Nos.1, 2 & 9 and that they have understood the same. The statements and the undertakings contained in the consent terms are

accepted.

4. Mr.B.R. Patil undertakes to file vakalatnama on behalf of Defendant No.9 during the course of the day. Defendant No.9 is present in the Court.

5. However, the Court Receiver, High Court, Bombay, shall not be appointed as agreed to by the parties to the consent terms. Instead, the parties have agreed to the appointment of Dr.Mrs.R.R. Ajinkya as the Private Receiver with all powers under order 40 Rule 1 of the Code of Civil Procedure, 1908. The Plaintiff has agreed to pay the costs of the Private Receiver. Liberty to the Private Receiver and to the parties to apply, if necessary.

6. Two pay orders aggregating to a sum of Rs.30,00,000/- have been handed over to the learned advocate appearing on behalf of Defendant Nos.1, 2 & 9. He has agreed to hand over the same to Defendant Nos.1, 2 & 9 only after possession is handed over by Defendant Nos.1, 2 & 9 to the Private Receiver and upon intimation by the Private Receiver of the same in writing to the Plaintiff's advocate.

7. All parties including the learned Private Receiver are directed to act on an ordinary copy of this order duly authenticated by the Associate /

: 3 :

Personal Assistant of this Court.